

City of Pomona

505 S. Garey Ave
Pomona, CA 91766



Revised Regular Meeting Agenda

Monday, August 6, 2018

7:00 PM

Open Session

Council Chambers

City Council / Housing Authority / Successor Agency to the Redevelopment Agency

Mayor Tim Sandoval
Vice Mayor Rubio R. Gonzalez
Council Member Adriana M. Robledo
Council Member Cristina Carrizosa
Council Member Elizabeth Ontiveros-Cole
Council Member Ginna E. Escobar
Council Member Robert S. Torres

VISION STATEMENT

Pomona will be recognized as a vibrant, safe, beautiful community that is a fun and exciting destination and the home of arts and artists, students and scholars, business and industry.

7:00 P.M.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- A. Approval and Presentation of a Proclamation declaring Tuesday, August 7, 2018, as “National Night Out” in the City of Pomona.

Attachments: [Proclamation 08-07-18 National Night Out.doc](#)
[08-18 National Night Out Proclamation.doc](#)

- B. Presentation of an award to the City by the Human Values Center for completing the Pomona Compassionate Leadership Program
- C. Presentation of a Certificate of Commendation to Esteban Guzman for demonstrating compassionate citizen values in the face of adversity
- D. Presentation of a Certificate of Commendation to Antonio (Tony) Colon for his heroic action in saving an elderly female from being sexually assaulted

MAYOR/COUNCILMEMBER COMMUNICATIONS

Reports on conferences, seminars, and regional meetings attended by Mayor and City Council and announcements of upcoming events.

CITY MANAGER COMMUNICATIONS

Reports from the City Manager.

PUBLIC PARTICIPATION

Public Participation – At this time, the public is invited to address the Council concerning any items not on the agenda.

Together the City Council members, City staff, and public honor Pomona’s important City meeting values:

To speak and to listen to everyone with respect and courtesy; to honor fairness and our cherished democratic process; to affirm Pomona’s dedication to lead as a Compassionate City.

Thank you all for keeping these values and this commitment to act with them ever present in our minds as we proceed with the meeting together.

In order to address the City Council, each individual must fill out a speaker card, which is available in the lobby of the Council Chambers. Speaker cards must be completed and turned in to the City Clerk at this time. Only those

speaker cards turned in to the City Clerk will be allowed to address the City Council. No late cards will be accepted. Each person should state their name and will be allowed to speak once for three minutes. All speakers and persons in the audience must adhere to the City Council Rules of Procedure and Decorum.

CONSENT CALENDAR

All matters under the Consent Calendar may be enacted by a single motion without separate discussion. If discussion or a separate vote on any item is desired by a Councilmember, that item may be removed from the Consent Calendar and considered separately. All consent items pulled for discussion will be limited to five minutes. If they are not enacted upon within five minutes, the Mayor will move that Consent Item to the end of the Agenda, after consideration of the public hearings. Any motion relating to an ordinance or a resolution shall also waive the reading of the ordinance or resolution and include its introduction or adoption as appropriate.

1. Adopt a Resolution Approving a Disposition & Development Agreement and a Development Oversight & Delivery Agreement with Maya Cinemas, North America, Inc. for Development of a 12-14 Screen Maya Cinemas Project on City/VPD Lots 6 & 7, the Gist Building and the Adjacent Vacant Lot in Downtown Pomona and for Development of a 700+ Stall Parking Structure on VPD Lot 10 - Council Districts 1 & 2

RESOLUTION NO. 2018 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH MAYA CINEMAS OF NORTH AMERICA FOR THE SALE, OPTION AND DEVELOPMENT OF CITY OWNED VEHICLE PARKING DISTRICT LOTS 6 AND 7, THE GIST BUILDING PROPERTY AND APPROVING A DEVELOPMENT OVERSIGHT AND DELIVERY AGREEMENT FOR THE DEVELOPMENT OF A PARKING GARAGE ON VEHICLE PARKING DISTRICT LOT 10

Attachments: [050718 final Maya staff report DDA DODA.doc](#)
[050718 Reso DDA Maya DDA and DDOA Sen 4-24-18 Cln.doc](#)
[Maya DDA Rev Sen 4-18-18 Rev Sen Cln Final v2 4-25-18.doc](#)
[Construction Management Agreement Rev SEN 7-18-18 Cln.doc](#)
[020217 Report - DDA with Maya Cinemas North America Inc.pdf](#)
[attach 5.pdf](#)
[attach 6.pdf](#)

2. Authorize the Submittal of Active Transportation Program (ATP) Application to California Department of Transportation (Caltrans) Requesting up to \$10 Million for the Implementation of Bicycle Infrastructure and Pedestrian-Crossing Enhancements

Attachments: [Staff Report.docx](#)

3. Adopt a Resolution of Intention to Modify the Downtown Pomona Property and Business Improvement District

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA DECLARING ITS INTENTION TO MODIFY THE DOWNTOWN POMONA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

Attachments: [071618 Rpt CC for DPOA plan modificaiton.doc](#)
[071618 Reso DPPBID Mod .docx](#)
[current Draft Modified Downtown Pomona MDP 5-10-18 Clean.pdf](#)
[Attach 3.pdf](#)

4. Adopt a Resolution Authorizing the Acceptance of \$357,700 in Mental Health Services Act Funding from Tri City Mental Health Center to Reserve 28 Beds Annually to Eligible Homeless Clients at the Homeless Services Center and Amending the FY 2018-19 Emergency Shelter Operating Budget to Appropriate Said Funds for Operations, Equipment, and Administrative Costs

RESOLUTION NO. 2018-

ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$357,700 IN MENTAL HEALTH SERVICES ACT FUNDING FROM TRI CITY MENTAL HEALTH CENTER TO RESERVE 28 BEDS ANNUALLY TO ELIGIBLE HOMELESS CLIENTS AT THE HOMELESS SERVICES CENTER AND AMENDING THE FY 2018-19 EMERGENCY SHELTER OPERATING BUDGET TO APPROPRIATE SAID FUNDS FOR OPERATIONS, EQUIPMENT, AND ADMINISTRATIVE COSTS

Attachments: [Staff Report - Acceptance of Tri City MHSA Funding](#)
[Resolution - Acceptance of Tri City MHSA Funds](#)

5. Approval of Updated Overhead Street Banner and Park Banner Regulations

Attachments: [Staff Report - Banner Policy.doc](#)
[Attachment 1 Banner Policy](#)
[Attachment 2 Policy Procedure Overhead Street Banner 12-10-87.pdf](#)
[Attachment 3 Pomona Athletic Field Manual 10-07-13 FINAL APPROVED](#)

6. Adoption of a Resolution Approving a \$24,500 Contribution from the Vehicle Parking District (VPD) Fiscal Year 2017-2018 Budget to the Downtown Pomona Owners Association (DPOA) for the Purchase and Installation of Security Surveillance Cameras and Supporting Equipment to Enhance Parking Lot Security

RESOLUTION NO. SA 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A \$24,500 CONTRIBUTION FROM THE VEHICLE PARKING DISTRICT (VPD) FISCAL YEAR 2018-2019 BUDGET TO THE DOWNTOWN POMONA OWNERS ASSOCIATION (DPOA) FOR THE PURCHASE AND INSTALLATION OF SECURITY

**SURVEILLANCE CAMERAS AND SUPPORTING EQUIPMENT TO PROVIDE
ADDITIONAL SECURITY SURVEILLANCE TO VPD LOTS 3, 5, 7 10, 11 AND
ADJACENT DOWNTOWN AREAS**

Attachments: [080618 SR VPD \\$24500 Contribution to DPOA for Security Cameras v1](#)
 [080618 SR RESO -Approval of \\$24500 to DPOA for Security Cameras](#)
 [camera.pdf](#)

7. Approval of City Hall Closure during the 2018 Holiday Season and Adoption of a Resolution Approving Proposed Changes to 2019 City Council Meeting Dates Due to Holiday Conflicts and Establishing Rescheduled Meetings as “Regular” Meetings of the City Council

RESOLUTION NO. 2018-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA,
APPROVING THE CANCELLATION AND RESCHEDULING OF MEETINGS AND
ESTABLISHING THE RESCHEDULED MEETING DATES AS “REGULAR” MEETINGS
OF THE CITY COUNCIL**

Attachments: [Staff Report](#)
 [Resolution](#)

8. Adopt a Resolution Amending the FY 2018-19 Public Works Operating Budget by Re-Appropriating \$189,012 from Various Funds for Vehicle Purchases, Installation of Two Air Conditioning (AC) Units at Ralph Welch Park Community Center, and Work to Be Performed by California Conservation Corps (CCC) for the Cal Recycle Homeless Encampment Action Response Team (Heart) Program

RESOLUTION NO. 2018-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING
THE FY 2018-19 PUBLIC WORKS OPERATING BUDGET BY RE-APPROPRIATING
\$189,012 (\$73,120 TO THE HOMELESS ENCAMPMENT ACTION RESPONSE TEAM
(HEART) GRANT FUND 215, \$93,457 TO AIR QUALITY MANAGEMENT DISTRICT
(AQMD) FUND 245, AND \$22,435 TO GENERAL FUND 101-4035-52285) FOR
VEHICLES, AIR CONDITIONING (AC) UNITS AND CALIFORNIA CONSERVATION
CORPS (CCC) WORK FOR THE HOMELESS ENCAMPMENT ACTION RESPONSE
TEAM (HEART) PROGRAM PREVIOUSLY AUTHORIZED IN FISCAL YEAR 2017-18**

Attachments: [Carryover Staff Report.doc](#)
 [Reso -Re-Appropriation r.doc](#)

9. Approval of an Amendment to the Cooperative Agreement with the East San Gabriel Valley Watershed Management Group to Increase Funding for Stormwater Monitoring;

Approval of an Amendment to the Professional Services Agreement with Stantec Consulting Services Inc. in the total amount of \$329,897 for Continued Implementation of the Coordinated Integrated Monitoring Program (CIMP) in Compliance with the 2012 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Discharges for Los Angeles County; and Approve an Increase of the City's Cost Share payment, in a not to exceed amount of \$262,000

Attachments: [Approval of Amendment 1 Coop Agrmt ESGV Watershed.docx](#)
[Attachment 1.pdf](#)
[Attachment 2.pdf](#)

10. Award of Bid to Reed Electric for an Initial Term of Three-Years, with a Two One-Year Extension Options, for Electric Motor, Refurbishment and Replacement Services at the Per Unit Prices Bid

Attachments: [Award of Bid to Reed Electrical.docx](#)
[Attachment 1 - Bid Results-Electric Motor Repair.pdf](#)

11. Award of Bid to Budilo Construction Inc. to Provide Cla-Val Automatic Control Valve Repair, Replacement and Maintenance Services at the Prices Bid for Time and Materials

Attachments: [Budilo Award-Auto Control Val Maint.docx](#)
[Attachment 1 - Auto Contr Val Maint & Parts.pdf](#)

12. Recommend Amendment to the Engagement Letter Agreement with Cumming Construction Management, Inc. in the Amount of \$85,600 to Provide Staff Augmentation for Construction Management Services for the "Year-Round Emergency Shelter," CIP Project No. 428-2590-XXXXX-71044.

Attachments: [Staff Report - Award of Contract to Cumming for Construction](#)

13. Resolution Approving a One-Year Agreement with the Downtown Pomona Owners Association (DPOA) to Provide Funding in the Amount of \$144,000 for Supplemental Police Patrols in the Downtown Pomona Business Improvement District with a One-Year Extension Option

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A ONE-YEAR AGREEMENT WITH THE DOWNTOWN POMONA OWNERS' ASSOCIATION (DPOA) FOR SUPPLEMENTAL POLICE PATROL SERVICES FOR THE POMONA BUSINESS IMPROVEMENT DISTRICT (PBID) WITH A ONE-YEAR EXTENSION AND AMENDING THE POLICE DEPARTMENT'S OPERATING REVENUES

Attachments: [DPOA Enhanced Patrol FY 2018-19 Report.doc](#)
 [DPOA Enhanced Patrol FY 2018-19 Reso.doc](#)
 [DPOA Enhanced Patrol FY 2018-19 Service Agreement.docx](#)

14. Adopt a Resolution Accepting \$8,000 in Grant Funds awarded by Tri-City Mental Health Services to Implement the Heroes of Pomona Speech Contest and Amending the FY 2018-19 Budget by Receiving and Appropriating the Grant Funds

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, Accepting \$8,000 in Grant Funds awarded by Tri-City Mental Health Services to Implement the Heroes of Pomona Speech Contest and Amending the FY 2018-19 operating Budget by Receiving and Appropriating the Grant Funds

Attachments: [Staff Report - TriCity Well Being Grant Award](#)
 [Resolution - Tri-City Well Being Grant Award](#)

15. Approve the Purchase of Four (4) Towable Air Compressors from Volvo Construction Equipment and Service, in the Total Amount of \$109,892; Utilizing National Joint Powers Alliance Contract Agreement Number 052015-CEC

Attachments: [Towable Air Compressors.docx](#)
 [Attachment 1.pdf](#)

16. Adoption of a Resolution Approving an Agreement to Provide Police Services for the 2018 Los Angeles County Fair by Setting the Rate of Compensation for Such Police Services and Amending the Police Department's FY 2018-19 Operating Budget by Appropriating an Additional \$31,922

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A CONTRACT WITH THE LOS ANGELES COUNTY FAIR ASSOCIATION BY SETTING THE RATE FOR POMONA POLICE SERVICES DURING THE 2018 LOS ANGELES COUNTY FAIR AND AMENDING THE POLICE DEPARTMENT FY 2018-19 OPERATING BUDGET

Attachments: [2018 LA County Fair Council Report.doc](#)
 [2018 LA County Fair Council Reso.doc](#)
 [2018 LA County Fair Police Services Contract 8-2-18.docx](#)

17. Adopt a Resolution Amending "Phil and Nell Soto Park," Project No. 428-2590-XXXXX-71040 within FY 2018-19 Capital Improvement Program (CIP) Budget by Reappropriating Park and Recreation Improvement Fees from "Ganesha Park

- Tree Grove, "Project No. 428-2590-XXXXX-71034 (\$4,633); Appropriating Available Park and Recreation Improvement Fees Fund Balance (\$137,000); Appropriating \$1,010,000 of San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) Grant Funds to Project No. 71040; Waive Minor Irregularities in the Bid and Award a Construction Contract to CEM Construction Corporation in the Sum of \$2,297,151; and Authorize Construction Change Order Capacity Up to \$344,573 Subject to Additional/Maximum Available Funds

RESOLUTION NO. 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$141,633 OF "PARKS AND RECREATION IMPROVEMENT FEES" (OF WHICH \$4,633 IS REAPPROPRIATED FROM GANESHA PARK - TREE GROVE," PROJECT NO. 428-2590-XXXXX-71034 AND \$137,000 IS APPROPRIATED FROM AVAILABLE "PARK AND RECREATION IMPROVEMENT FEES" FUND BALANCE); AND APPROPRIATING \$1,010,000 OF SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) GRANT FUNDS TO "PHIL AND NELL SOTO PARK," PROJECT NO. 428-2590-XXXXX-71040 AND AUTHORIZING THE CITY MANAGER TO DIRECT APPROPRIATION OF ANY ADDITIONAL GRANT FUNDS RECEIVED AND SIGN ALL OTHER ITEMS NEEDED FOR COMPLETION OF THIS PROJECT ON BEHALF OF THE CITY

Attachments: [Staff Report](#)
[Attachment 1 Resolution](#)
[Attachment 2](#)
[Attachment 3](#)

DISCUSSION CALENDAR

18. Request for a Public Hearing on an appeal of the Planning Commission's Non-Action of Conditional Use Permit (CUP 7814-2017) and Revocation of Conditional Use Permit (CUP 05-035) to allow for the construction of a new 47,199 square foot structure to include warehouse and office uses for a property located within the M-1, Light Industrial district as well as the Pomona Corridors Specific Plan, East Mission Boulevard Workplace Expansion Zone. Revocation of Conditional Use Permit (CUP05-035) to construct a new 17,362 square foot industrial building at an existing industrial facility within the M-1, Light Industrial district for a property located at 750 South Reservoir Street.

Attachments: [Staff Report](#)
[Attachment A - Planning Commission Staff Report wAttachments dated](#)
[Attachment B - Appeal Application](#)
[Attachment C - Planning Commission Unofficial Minutes dated June 27,](#)

19. Request for a Public Hearing on an appeal of the Planning Commission's Non-Action of Conditional Use Permit (CUP 7049-2017) to allow the construction of a 1,392 square foot detached structure to be used as an employee lounge and the legalization of six pre-fabricated shade canopies for an existing recycling business in the M-2 (General Industrial) zone.

Attachments: [Staff Report](#)
[Attachment A: Planning Commission Staff Report Dated June 27, 2018 w/](#)
[Attachment B: Appeal Application, Dated July 12, 2018](#)
[Unofficial Meeting Minutes of June 28, 2018 Planning Commission](#)

20. Finding of Public Benefit to the Community at Large: Recommended Expenditures and Recap of Approved Funds

CURRENT REQUESTS:

- A) Amount to be determined to cover facility rental fees associated with the Pomona Economic Opportunity Center's community meeting at Renacimiento Community Center - Amount requested: \$211
B) Amount to be determined to Just Us 4 Youth in support of their free summer basketball camp - Amount requested: \$800
C) Amount to be determined to Kingdom of God Revelation Ministries in support of the 2018 Mayor's Prayer Breakfast - Amount requested: \$1,000

Attachments: [FOPB Staff Report](#)
[Attachments 1-8](#)

- 20A. Certification of Initiative Measure to Amend the Pomona Zoning Code to Allow Commercial Cannabis Uses by Creating the "Safe Access Cannabis" (SAC) and "Industrial Cannabis" (IC) Overlay Zones and Prohibiting Cannabis Businesses Within 600 Feet of a School, Daycare, or Youth Center as Defined by State Law

Attachments: [Staff Report - Certification of Initiative Measure Cannabis Final.docx](#)
[Attachment 1: CERTIFICATE OF SUFFICIENCY FOR POMONA](#)
[Attachment 2: Determination Letter.pdf](#)
[Attachment 3 - Ordinance - Pomona Regulate Cannabis Act of 2018](#)

- 20B. Adopt a Resolution of the City Council of the City of Pomona, California, Submitting a Three Quarters of One Percent (0.75%) Sales Tax Measure to the City of Pomona's Qualified Electors at the General Municipal Election to be Held on Tuesday, November 6, 2018, and Authorizing Other Necessary Actions and Documents for Ballot Placement

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING A THREE QUARTERS OF ONE PERCENT (0.75%) SALES TAX MEASURE TO THE CITY OF POMONA'S QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AND AUTHORIZING RELATED ACTIONS INCLUDING DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE AND AUTHORIZING ARGUMENTS AND REBUTTALS ON THE MEASURE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CITY CODE TO ADD ARTICLE XI (TRANSACTIONS AND USE TAX) TO CHAPTER 50 OF THE POMONA MUNICIPAL CODE AND ADOPTING A THREE QUARTERS OF ONE PERCENT (0.75%) TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE SECTIONS 7251 ET SEQ., SUBJECT TO VOTER APPROVAL

Attachments: [Staff Report - Sales Tax v6 08-02-2018.doc](#)
[Resolution - Sales Tax \(TUT\) v3 08-02-2018.docx](#)
[Attachment A to Resolution- Sales Tax \(TUT\) Ordinance v6](#)

- 20C.** **Adopt a Resolution of the City Council of the City of Pomona, California, Submitting a Cannabis Business Tax Measure to the City of Pomona's Qualified Electors at the General Municipal Election to be Held on Tuesday, November 6, 2018, and Authorizing Other Necessary Actions and Documents for Ballot Placement**

RESOLUTION NO. 2018-

ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING A CANNABIS BUSINESS TAX MEASURE TO THE CITY OF POMONA'S QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AND AUTHORIZING OTHER NECESSARY ACTIONS AND DOCUMENTS FOR BALLOT PLACEMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CITY CODE TO ADD ARTICLE XI (CANNABIS BUSINESS TAX) TO CHAPTER 50 OF THE POMONA MUNICIPAL CODE, SUBJECT TO VOTER APPROVAL

Attachments: [Staff Report - Cannabis Tax v6 08-02-2018.doc](#)
[Resolution - Cannabis Tax v2 08-02-2018.doc](#)
[Attachment A to Resolution - Cannabis Tax Ordinance v2 08-02-2018.doc](#)

PUBLIC HEARINGS

21. Request to Continue Public Hearing Opened on June 18, 2018 to September 10, 2018 for the introduction and first reading of Change of Zone (Zone 6154-2018) as well as consideration of Conditional Use Permit (CUP 9774-2018) for a property located at 1538 South Towne Avenue

Attachments: [Staff Report](#)
[Attachment 1 - Applicant's continuence request.pdf](#)

MATTERS INITIATED BY CITY COUNCILMEMBERS

Items for future City Council consideration as requested by Mayor or Members of the City Council

ADJOURNMENT

The next Regular Meeting will be held on September 10, 2018, in the City Council Chambers, 505 S. Garey Avenue, Pomona, California. Closed Session items will be discussed at 5:30 p.m. The Open Session will commence at 7:00 p.m.

CERTIFICATION OF POSTING AGENDA

I, Marie Macias, Interim City Clerk for the City of Pomona, hereby certify that the agenda for the August 6, 2018 meeting of the City Council was posted in City Hall, near the door of the City Council Chambers and City Council Conference Room, and on the City's website www.ci.pomona.ca.us on August 2, 2018.

I declare under the penalty of perjury that the foregoing is true and correct.

*/s/ Marie Macias
Interim City Clerk*